



Staff Report to the Zoning Administrator

Application Number: **05-0795**

Applicant: Jim Weaver (Pacific Rim Planning Group) Agenda Date: December 1, 2006

Owner: Stephanie Woodward
APN: 042-202-35

Agenda Item #: **3**
Time: After 1000 a.m.

Project Description: Proposal to grant a two-year time extension to permit 02-0503; a permit to convert non-habitable lower floor space to habitable, construct a two story addition with decks, and to convert an existing carport to a two-car garage. Requires an amendment to Coastal Development Permit and Residential Development Permit 02-0503 to extend the expiration date of the permit by two years.

Location: Property located on the Southwest side of Shoreview Drive at about 800 feet South of Aptos Beach Drive in Aptos (224 Shoreview Drive).

Supervisory District: 2nd District (District Supervisor: Ellen Pirie)

Permits Required: Amendment to 02-0503 (Coastal Development Permit, Residential Development Permit, and front yard setback variance)

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 05-0795, based on the attached findings and conditions.

Exhibits

- | | |
|---|--------------------------------|
| A. Project plans | E. Assessor's parcel map |
| B. Findings | F. Zoning and General Plan map |
| C. Conditions | G. Comments & Correspondence |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size: 8,145 sq. ft. (EMIS estimate)
Existing Land Use - Parcel: Single-family dwelling
Existing Land Use - Surrounding: Single-family dwellings

County of Santa Cruz Planning Department
701 Ocean Street, 4th Floor, Santa Cruz CA 95060

Project Access: Shoreview Drive
Planning Area: Aptos
Land Use Designation: R-UM (Urban Medium Residential)
Zone District: **R-1-4** (Single-family residential, 4,000 sq. ft. minimum)
Coastal Zone: Inside Outside
Appealable to Calif. Coastal Comm. Yes No

Environmental Information

Geologic Hazards: None found or mapped on site
Soils: Danville Loam (soils index no. 125) and Tierra Watsonville Complex (soils index no. 175)
Fire Hazard: Not a mapped constraint
Slopes: 2% - 30%+ slopes
Env. Sen. Habitat: Not mapped/no physical evidence on site
Grading: Minor grading (less than 100 cubic yards)
Tree Removal: No trees proposed to be removed
Scenic: Not a mapped resource
Drainage: Existing drainage adequate
Archeology: Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line: Inside Outside
Water Supply: Soquel Creek Water District
Sewage Disposal: Santa Cruz County Sanitation District
Fire District: Aptos/La Selva Fire District
Drainage District: Zone 6

Analysis

Application 02-0503 was approved by the Zoning Administrator on December 5, 2003, with an expiration date of December 19, 2005. This application proposed to construct an addition of about 330 square feet on the lower level and about 558 square feet on the upper level, and to convert an existing carport to a two-car garage.

On December 13, 2005, the applicant submitted this application to extend the expiration date of this permit. The plans submitted were substantially the same as those approved under application 02-0503, with the exception of a small addition that would have encroached into the front yard setback and would have required a variance. At the recommendation of staff, the applicant revised plans to return the building footprint to that originally approved under 02-0503.

The proposed design is essentially the same as that approved under application 02-0503, with some modifications to the interior floor plan (regular staircase instead of the originally proposed spiral staircase, revised bathroom locations). The revised plans also include the removal of a proposed deck in the rear yard.

The applicant requests **an** amendment to the conditions of approval to extend the expiration date by two years to December 19, 2007, rather than the one-year extension allowed under Section 18.10.133 **of** the County Code with a Level 4 permit. The time extension will not significantly alter the project from that originally approved in 2003, and the findings will remain substantially the same.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from **further** Environmental Review under the California Environmental Quality Act.
- APPROVAL of Application Number **05-0795**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are **on file** and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) District, listed in Section 13.10.170(d) as consistent with the General Plan and **Local** Coastal Program LUP Designation.

The proposed addition to an existing single-family dwelling will not change the single-family residential use of the property, and is therefore an allowed use within the R-1-4 zone district and is consistent with the General Plan and Local Coastal Program Land Use Program Designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

The proposed addition will not conflict with any existing easements or development restrictions as the addition will be to an existing single-family dwelling located on a parcel with no easements or other development restrictions besides the site standards for the R-1-4 zone district.

3. That the project is consistent with the design criteria and special **use** standards and conditions of this chapter pursuant to Section 13.20.130 et *seq.*

The proposed addition and remodel **of** an existing single-family dwelling will be consistent with the design criteria and special use standards pursuant to Section 13.20.130 et seq. in that the proposed addition will not change the architectural style of the dwelling and will therefore continue to be integrated into the visual character **of** the surrounding neighborhood, the construction of the additions will result in minimal site disturbance since less than 100 cubic yards of grading is proposed and no trees will be removed, and the dwelling is located below the top of the ridgeline.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards, and maps of the General Plan and Local Coastal Program Land Use Plan, specifically Chapter 2: Figure 2.5 and Chapter 7, and, as to any development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Zone, such development is in conformity with the public access and the public recreation policies of Chapter 3 of the Coastal Act commencing with Section 30200.

The project site is not located between the shoreline and the first public road. Consequently, the single-family dwelling will not interfere with public access to the beach, ocean, or any nearby body of water. Further, the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified Local Coastal Program.

The proposed addition and remodel of an existing single-family dwelling is in conformance with the certified Local Coastal Program in that the project will not encumber public access to the beach, the resulting dwelling will be architecturally compatible with the surrounding neighborhood, and the primary use of the site will continue to be one single-family dwelling, a use permitted in the **R-1-4** zone district.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

The proposed location of the addition and remodel of an existing single-family dwelling and the conditions under which it will be operated or maintained will not be detrimental to the health, safety, or welfare of persons within the general vicinity in that:

- a. The use of the site will remain a singlefamily dwelling, and will therefore not be incompatible with the neighborhood.
- b. The addition and remodel will comply with all applicable building, electrical, and plumbing codes.
- c. Impacts to privacy will be minimal since most windows will continue to face the rear property line rather than neighbors on each side. Windows on the lower level and in bathrooms on the second level are located in a manner that will not reduce neighbor privacy.

The new addition and remodel will not result in inefficient or wasteful use of energy since it will be required to comply with all applicable energy codes and the windows to the rear will face southwest, taking advantage of passive solar energy.

The addition will not be materially injurious to properties or improvements in the vicinity since the resulting single-family dwelling will comply with all applicable site standards and will be in character with the surrounding neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

The proposed addition and remodel will be consistent with all pertinent County ordinances, including Section 13.10.265 (non-conforming structures) and the purposes of the R-1-4 zone district. **No** more than 50% of the exterior walls of the non-conforming portion of the dwelling

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will be altered, and therefore no variance will be required. With the exception of the existing front bedroom, the dwelling will meet all R-1-4 zone district site standards including lot coverage and floor area ratio.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

The project is located in the Urban Medium Residential (R-UM) land use designation. The proposed residential use is consistent with the General Plan in that it meets the density requirements specified in the General Plan (Urban Medium Residential).

The project will comply with Policy **8.6.6** (Protecting Ridgetops and Natural Landforms) since the ridge is already developed with houses and the roof of the house will not project above the ridgeline.

The proposed addition and remodel will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy **8.1.3** (Residential Site and Development Standards Ordinance), in that the single-family dwelling will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed addition and remodel will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy **8.6.1** (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed single-family dwelling will comply with the site standards for the R-1-4 zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure consistent with a design that could be approved on any similarly sized lot in the vicinity.

A specific plan has not been adopted for **this** portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

The proposed addition and remodel of an existing single-family dwelling will not overload utilities since adequate utilities are available for a dwelling of this size and the orientation of the windows in the house will take advantage of passive solar heating to minimize energy consumption. The additional bedroom will generate a negligible amount of additional traffic on the streets in the vicinity.

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5. That the proposed project will complement and harmonize with the existing and proposed land **uses** in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

The proposed addition and remodel of an existing single-family dwelling will complement and harmonize **with** the existing **land uses** in the vicinity in that the result will be a single-family dwelling in a neighborhood of single-family dwellings. The structure will be compatible with the physical design aspects of the surrounding neighborhood in that many surrounding homes also have two stories with rear decks facing the ocean and the materials used are compatible with those used on neighboring structures. The land use intensity will increase with the conversion of the basement to habitable space and the construction of an additional bedroom, but the increase will be consistent with the number of bedrooms in many surrounding homes. The project will not increase dwelling unit density.

6. The proposed development project is consistent with the design standards and guidelines (Sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

The proposed addition and remodel does not require design review under Section 13.11 of the County Code.

Conditions of Approval

Exhibit A. Project plans, 10 sheets, prepared by Beverly Kenville, dated October 2005.

- I. This permit authorizes the conversion of an existing basement into habitable space, the construction of an addition to an existing single-family dwelling, and the construction of covered and open decks. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Demolition permit for the carport and garbage can storage structure from the Santa Cruz County Building Official.
 - C. Obtain a Building Permit from the Santa Cruz County Building Official.
 - D. Obtain a Grading Permit from the Santa Cruz County Building Official if more than 100 cubic yards of grading is required.
 - E. Obtain an Encroachment Permit from the Department of Public Works for all off-site work performed in the County road right-of-way.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder).
 - B. Submit Final Architectural Plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. The final plans shall include the following additional information:
 1. Identify finish and color of exterior materials and roof covering for Planning Department approval. Any color boards must be in 8.5" x 11" format.
 2. A detailed drainage and erosion control plan showing existing and proposed drainage features, offsite drainage pathways with destination of runoff, details pertaining to the location of all on-site storage of excavated material, and the proposed location and construction detail of sediment retention and erosion control devices (straw bales, silt fencing, etc.).
 3. Details showing compliance with fire department requirements.
 - C. Meet all requirements of and pay Zone Six drainage fees to the County

Department of Public Works, Drainage. Drainage fees will be assessed on the net increase in impervious area.

- D. Meet all requirements and pay any applicable plan check fee of the Aptos/ La Selva Fire Protection District.
 - E. Submit a plan review letter from the project soils engineer stating that the final plans are in conformance with the soils report submitted for this project.
 - F. Pay the current fees for Parks and Child Care mitigation for one bedroom.
 - G. Pay the current fees for Roadside and Transportation improvements for one bedroom.
 - H. Provide required off-street parking for three cars. Parking spaces must be 8.5 feet wide by **18** feet long and must be located entirely outside vehicular rights-of way. Parking must be clearly designated on the plot plan.
 - I. Submit a Written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.
 - J. Complete and record a Declaration of Restriction to maintain a Single-Family Dwelling. **YOU MAY NOT ALTER THE WORDING OF THIS DECLARATION.** Follow the instructions to record and return the form to the Planning Department. This Restriction is a binding contract between the County and the property owner that no portion of the house will be converted into a second dwelling unit.
 - K. Only structures shown on the approved plans for the Coastal Permit may be retained. All other structures (arbor, storage shed, and ~~trash~~ can enclosure) must be removed.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
- A. All site improvements shown on the final approved Building Permit plans shall be installed. The location of the garage from the front property line shall be verified by a registered engineer or surveyor in the field to the satisfaction of the Building Official.
 - B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - C. The project must comply with all recommendations of the approved soils reports.

- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

- V. As a condition of this development approval, the holder of this development approval (“Development Approval Holder”), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys’ fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

1. COUNTY bears its own attorney’s fees and costs; and
2. COUNTY defends the action in good faith.

- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

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D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.

Minor variations to ~~this permit~~ **which** do not affect ~~the~~ overall concept oi density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires on December 19,2007 unless you obtain the required permits and commence construction.

Approval Date: _____

Effective Date: _____

Expiration Date: December 19,2006

Don Bussey
Deputy Zoning Administrator

David Keyon
Project Planner

Appeals: Any property **owner**, or other person aggrieved, **or** any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the **Santa Cruz** County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 05-0795
Assessor Parcel Number: 042-202-35
Project Location: 224 Shoreview Drive

Project Description: Extend the expiration date of permit 02-0503 by two years

Person or Agency Proposing Project: Jim Weaver (Pacific Rim Planning Group)

Contact Phone Number: (831) 457-2033

- A. The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060(c).
- C. **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. **Categorical Exemption**

Specify type: 15301(e): Minor additions to an existing structure

F. Reasons why the project is exempt:

Addition of less than 50% (or 2,500 sq. ft.) of floor area of existing structure.

In addition, none of the conditions described in Section 15300.2 apply to this project.

David Keyon, Project Planner

Date: _____

FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY FOR ANY PURPOSE OTHER THAN TAX PURPOSES. ALL RIGHTS RESERVED.

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POR. APITOS RANCHO

SEC. 18, T. 11S., R. 1E. M.D.B. & M.

Tax Area Code

69-273

42-20



78RS48
12/1/88

APTOS BEACH COUNTRY CLUB
SUB. NO. 2
23MB4 8/20/25

78RS34
4/20/88

APTOS BEACH COUNTRY CLUB
SUB. NO. 5
23MB25 6/7/26

Assessor's Map No. 42-20
County of Santa Cruz, Calif.
January, 1999

Note - Assessor's Parcel & Block
Numbers Shown in Circles.